

Chapter 19.03

FIRE CODE

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19.03.010 Code Adopted.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, there is hereby adopted the "International Fire Code," 2000 Edition, save and except such portions as are hereinafter deleted, modified, or amended. (Ord. 17998 §1; May 13, 2002).

19.03.020 Section 101.1 Amended; Title.

Section 101.1 of the International Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Lincoln, Nebraska, hereinafter referred to as "this code." (Ord. 17998 §2; May 13, 2002).

19.03.030 Section 103.1 Amended; Organization of the Bureau of Fire Prevention.

Section 103.1 of the International Fire Code is amended to read as follows:

103.1 Organization of the bureau of fire prevention. The bureau of fire prevention is established within the department of building and safety under the direction of the code official. The bureau shall consist of such personnel as may be assigned thereto by the director of building and safety who is hereby designated as the code official as defined in Section 202 of this code. The function of this bureau shall be to assist the code official in the administration and enforcement of the fire prevention provisions of this code. The bureau of fire prevention with the assistance of the fire and rescue department shall provide education and training to schools, hospitals, public and private organizations and institutions on fire precaution practices and evacuation procedures. The bureau of fire prevention shall coordinate all these activities.(Ord. 18170 §28; April 28, 2003; prior Ord. 17998 §3; May 13, 2002).

19.03.040 Sections 103.2, 103.3, 103.4, 103.4.1; Deleted.

Sections 103.2, 103.3, 103.4, and 103.4.1 of the International Fire Code are hereby deleted. (Ord. 17998 §4; May 13, 2002).

19.03.050 Section 104.10 Amended; Fire Investigations.

Section 104.10 of the International Fire Code is amended to read as follows:

104.10 Fire investigations. The bureau of fire prevention shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets of processes shall not be made part of the public record except as directed by a court of law.

104.10.1 Assistance from other agencies. Whenever requested to do so by the code official or an authorized representative, the police department shall assign such available police officers as in the police department's discretion may be necessary to assist the code official in enforcing the provisions of this code. In addition, the code official may request that the fire and rescue department detail to the bureau of fire prevention such members of the fire and rescue department as may from time to time be necessary. (Ord. 18170 §29; April 28, 2003; prior Ord. 17998 §5; May 13, 2002).

19.03.060 Section 104.11 Amended; Authority at Fires and Other Emergencies.

Section 104.11 of the International Fire Code is amended to read as follows:

104.11 Authority at fires and other emergencies. The code official and the fire and rescue department shall have the power and authority at the scene of a fire or other emergency involving the protection of life or property to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire and rescue department shall maintain control at the fire scene until the fire has been extinguished and the bureau of fire prevention has arrived at the scene. In the exercise of such power, the code official or fire and rescue department may prohibit any person, vehicle, vessel or thing from approaching the scene and may remove or cause to be removed or kept away from the scene any vehicle, vessel, or thing which may impede or interfere with the operations of the fire and rescue department or bureau of fire prevention in the extinguishment or investigation of such fire or emergency and, in the judgment of the code official or fire and rescue department, any person not actually and usefully employed in the extinguishment

or investigation of such fire or emergency or in the preservation of property in the vicinity thereof. (Ord. 18170 §30; April 28, 2003; prior Ord. 17998 §6; May 13, 2002).

19.03.070 Section 104.11.1 Amended; Authority at Fires and Other Emergencies; Authority to Barricade.

Section 104.11.1 of the International Fire Code is amended to read as follows:

104.11.1 Authority to barricade. The code official or the fire and rescue department or their authorized representative, who may be in charge at the scene of an emergency shall have the authority to place ropes, guards, barricades, or other obstructions across any street, alley, place, or private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the bureau of fire prevention or fire and rescue department to manage and control the situation. (Ord. 18170 §31; April 28, 2003; prior Ord. 17998 §7; May 13, 2002).

19.03.080 Section 104.11.2 Amended; Authority at Fires and Other Emergencies; Interference.

Section 104.11.2 of the International Fire Code is amended to read as follows:

104.11.2 Interference. Any person who obstructs the operations of the fire and rescue department or bureau of fire prevention in connection with investigating or extinguishing any fire, or other emergency, or disobeys any lawful command of the code official or the fire and rescue department as may be in charge at such a scene, or any part thereof, or any police officer assisting the fire and rescue department or bureau, shall be guilty of a misdemeanor. (Ord. 18170 §32; April 28, 2003; prior Ord. 17998 §8; May 13, 2002).

19.03.090 Section 105.4.7 Added; New Construction and Alterations.

Section 105.4.7 is added to the International Fire Code to read as follows:

105.4.7 New construction and alterations. When plans and specifications required to be submitted by Section 106.1 of the International Building Code is for construction of work for which bureau of fire prevention approval is required, a separate and additional bureau of fire prevention plan review and inspection fee shall be paid to the bureau of fire prevention. One-third of the fee shall be paid at the time of submitting said plans and specifications for review and shall not be refunded after any plan review has been completed by the bureau of fire prevention, even if the application is withdrawn. The remainder of the fee shall be paid upon issuance of the building permit. Said plan review and inspection fee shall be ninety-five cents (\$.95) per \$1,000 of total value of the proposed improvement; provided that the minimum fee for such plan review shall be eighteen dollars (\$18.00). Construction or work for which bureau of fire prevention approval is required shall be subject to inspection by the code official and such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official. (Ord. 17998 §9; May 13, 2002).

19.03.100 Section 105.6 Amended; Permits and Permit Fees.

Section 105.6 of the International Fire Code is amended to read as follows:

105.6 Permits and permit fees.

105.6.1 Permit required. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices, or functions and on items (3), (4), (6), (8), (9), (11) and (12), the premises shall be inspected annually and a permit must be obtained each year to continue the activities, operations, practices, or functions:

- (1) Explosives and blasting agents, see Chapter 33.
- (2) Fireworks, see Chapter 33 and L.M.C. Chapter 9.44.
- (3) Flammable combustible liquids and tanks, see Chapters 22 and 34.
- (4) Hazardous materials in excess of exempt amounts listed in Table 105.6.21.
- (5) Storage and use liquified petroleum gas, see Chapter 38.
- (6) Places of assembly.
- (7) Pyrotechnic special effect material, see Chapter 33.
- (8) Spraying or dipping operations utilizing flammable or combustible finishes, see Chapter 15.
- (9) Storage of scrap tires and tire byproducts that exceed 2,500 cubic feet, see Chapter 25.
- (10) Temporary membrane structure, tent or canopy, see Chapter 24.
- (11) Hotels and motels.
- (12) Fraternities and sororities.
- (13) Installation of fire alarm systems.

105.6.2 Permit fees. The following shall be the permit fees charged for the permits required in this section:

(1)	Explosives and blasting agents	\$50.00
(2)	Fireworks display	\$125.00
	Fireworks stand	\$75.00/ \$25.00 Late Fee after 6/23
(3)	Flammable combustible liquid tank installation	\$55.00 per tank
	Tank closures	\$25.00 per tank
(4)	Hazardous materials	\$65.00
(5)	Storage and use of liquified petroleum gases	\$45.00
(6)	Places of assembly	
	50 to 299 (annually)	\$50.00
	300 to 999 (annually)	\$75.00
	1000 or more (annually)	\$100.00
(7)	Pyrotechnics and special effects material	\$75.00
(8)	Spraying or dipping	\$55.00
(9)	Storage of scrap tires and tire byproducts	\$45.00
(10)	Temporary membrane structures, tents, canopies	\$ 25.00
(11)	Hotels and motels	
	0 to 40 rooms	\$50.00
	41 to 120 rooms	\$75.00
	121 to 200 rooms	\$100.00
	201 or more rooms	\$125.00

(12)	Fraternities and Sororities	
	0 to 40 rooms	\$ 55.00
	41 to 120 rooms	\$ 75.00
	121 to 200 rooms	\$100.00
	201 or more rooms	\$125.00
(13)	Fire alarm systems	
	1 to 30 devices	\$65.00
	31 to 60 devices	\$95.00
	61 to 90 devices	\$125.00
	91 or more devices	\$155.00
(14)	Reinspection fee/late fee (wrong address, equipment that does not pass inspection, incomplete work, equipment inaccessibility, etc.	1/2 Permit Fee Minimum \$25.00
(15)	Late fee assessed if payment is not received within 60 days of due date	\$50.00

105.6.3 Expiration. Every permit for a fire alarm system issued by the bureau of fire prevention shall under these provisions expire by limitation and become null and void if the work authorized by such permit is not commenced within 120 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee thereof shall be one-half the amount required for a new permit for such work; provided that such suspension or abandonment has not exceeded one year. There shall be no credits or refunds given on permits which have expired. Permit holders returning the unused permit prior to the expiration date of the permit shall be limited to a maximum refund amounting to two-thirds of the original fee if the original fee is \$75.00 or less. For permits where the original fee was greater than \$75.00, a \$25.00 processing fee will be levied and the remaining fee amount will be refunded to the permit holder.

Sections 105.6.4 through 105.6.46 are deleted.
(Ord. 18515 §1; March 21, 2005; prior Ord. 17998 §10; May 13, 2002).

19.03.110 Section 106.4 Added; Inspection Requests.

Section 106.4 of the Uniform Fire Code is added to read as follows:

106.4 Inspection Requests. If the person doing the work requests that an inspection be conducted on a holiday or weekend, said person shall pay a fee equal to the actual costs to the City for the performance of the inspection by the inspector.

It shall be the duty of the person doing the work authorized by a permit to notify the code official that such work is ready for inspection. The code official is authorized to require that every request for inspection be filed not less than one working day before such inspection is desired. Such requests may be in writing or by telephone at the option of the code official.

It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work.(Ord. 17998 §11; May 13, 2002).

19.03.120 Section 108 Amended; Board of Appeals.

Section 108 of the International Fire Code is amended to read as follows:

Section 108. Board of Appeals. (a) Board of Appeals Created. In order to hear and decide appeals of orders, decisions and determinations made by the code official relative to the application and interpretation of this code, including but not limited to the suitability of alternate materials and type of construction, there shall be and hereby is created a board of appeals, consisting of five members who are qualified by experience and training to pass on pertinent matters. The code official shall be an ex officio member and shall act as secretary of the board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the mayor and shall hold office at the mayor's pleasure. The board shall adopt reasonable rules and regulations for conducting its investigation and shall render all decisions and findings in writing to the code official with a duplicate copy to the appellant and may recommend to the city council such new legislation as is consistent therewith.

(b) Appeals to Board. Any person who is aggrieved by any order, decision or determination of the code official relating to the application or interpretation of any provisions of this code or to the suitability of alternate materials or methods of construction, may appeal such decision by filing an appeal on forms furnished by the code official within thirty days from the date of such decision. The filing of a completed appeals form, along with the payment of the prescribed fee, shall be sufficient for the purpose of commencing an appeal proceeding hereunder.

(c) Filing Fees. The fee for each appeal filed with the code official shall be as follows:

(1) Twenty dollars filing fee for review of a decision of the code official involving an interpretation of any provisions of this code;

(2) Fifty dollars filing fee for review of a decision of the code official relating to the suitability of alternate materials or methods of construction.

(d) Hearing Date. The code official shall refer all properly and timely filed appeals to the board of appeals for hearing. The secretary of said board shall in each appeal notify the appellant in writing of the date, time, and place of hearing before the board, which date shall be no later than thirty days from the filing of the appeal. Such notice shall be served upon the applicant by personal service or registered mail.

(e) Hearing Procedure. Hearings on appeal need not be conducted according to technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which may make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Irrelevant and unduly repetitious evidence shall be excluded. The appellant, the code official, and any other party to an appeal hereunder shall have these rights, among others:

(1) To call and examine witnesses on any matter relevant to the issues of the hearing;

(2) To introduce documentary and physical evidence;

(3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing; and

(4) To rebut the evidence against him or her.

(f) Decision of Board. The board of appeals shall, within fifteen days after the hearing, render a written decision which shall state its findings and conclusions. Decisions of the board may be appealed as provided by law.

(g) Enforcement. Enforcement of any decision, notice, or order of the code official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed, except in cases of emergency, where enforcement of the same is necessary for the protection of life, limb, or property. (Ord. 17998 §12; May 13, 2002).

19.03.130 Section 316 Added; Manufactured Home Skirting.

Section 316 is added to the International Fire Code to read as follows:

SECTION 316

MANUFACTURED HOME SKIRTING

316.1 General. Skirts shall be installed on all manufactured homes. Skirting shall be of a rigid material which does not create a fire hazard. Rigid foam insulation, chip board, Masonite, or any other wood products are not permitted skirting material. (Ord. 17998 §13; May 13, 2002).

19.03.140 Section 903.4.1 Amended; Signals.

Section 903.4.1 of the International Fire Code is amended to read as follows:

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or propriety supervising station as defined in NFPA 72 or, when approved by the code official, shall sound an audible signal at a constantly attended location.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves, located in limited area sprinkler system supply piping, shall be located in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.
3. Apartment buildings where the number of sprinklers are under 200 need not be central station, remote station or proprietary monitored. (Ord. 17998 §14; May 13, 2002).

19.03.150 Section 1504.1.4 Amended; Limited Spraying Spaces.

Section 1504.1.4 of the International Fire Code is amended to read as follows:

1504.1.4 Limited spraying spaces. Limited spraying spaces shall comply with Sections 1404.1.4.1 through 1504.1.4.4.

1504.1.4.1 Job size. The aggregate surface area to be sprayed shall not exceed 9 square feet (0.84m²)

1504.1.4.2 Frequency. Spraying operations shall not be of a continuous nature.

1504.1.4.3 Ventilation. Positive mechanical ventilation providing a minimum of six complete air changes per hour shall be installed. Such system shall meet the requirements of this code for handling flammable vapors. Explosion venting is not required.

1504.1.4.4 Electrical wiring. Electrical wiring within 10 feet (3048 mm) of the floor and 20 feet (6096 mm) horizontally of the limited spraying space shall be designed for Class 1, Division 2 locations in accordance with the ICC Electrical Code.

1504.1.4.5 All auto body shops spraying a flammable liquid are required to have at least one approved paint booth. (Ord. 17998 §15; May 13, 2002).

19.03.160 Section 3301.1 Amended; Fireworks.

Section 3301.1 of the International Fire Code is amended to read as follows:

3301.1 Fireworks. The provisions of this chapter and Chapter 9.44 of the Lincoln Municipal Code shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive material, fireworks, and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage and use of not more than one pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement, and fire agencies acting in their official capacities.
6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg) of explosive materials.
7. The possession, storage, and use of blank industrial-power load cartridges when packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100-178.
9. Items prepared by federal regulations.

(Ord. 17998 §16; May 13, 2002).

19.03.170 Section 3308.3 Amended; Approved Displays.

Section 3308.3 of the International Fire Code is amended to read as follows:

3308.3 Approved displays. Approved displays shall include only the approved Division 1.3G, Division 1.4G, and Division 1.4S fireworks, shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person. Such firework exhibitions or displays shall be limited to 6-inch mortars if fired manually. The time delay between igniting the mortar fuse and the firing of the mortar shall not be less than 5 seconds if fired manually. (Ord. 17998 §17; May 13, 2002).

19.03.180 Section 3401.4 Amended; Flammable and Combustible Liquids; Permits.

Section 3401.4 of the International Fire Code is amended to read as follows:

3401.4 Permits.

3401.4.1 Permit required. It shall be unlawful for any person, firm, or corporation to install, replace, repair, remove, reline, or abandon tanks for the storage of flammable or combustible liquids without first having secured a permit therefor from the code official.

3401.4.2 Permit fee. A fee for each storage tank installed, replaced, repaired, removed, or abandoned shall be paid prior to the issuance of such permit, which fee shall cover the cost of inspection thereof, and no such permit shall be valid until approved by the code official. Such permit may be revoked by the city council at any time for just cause, in which event the use of such tank or tanks shall immediately be discontinued. Storage tanks having a combined capacity of more than 600 gallons, used in connection with oil burners and all other storage tanks, regardless of capacity, shall require a separate permit for each tank or tanks. Application for the installation, replacement,

or repair of such storage tank shall be accompanied by accurate plats or drawings showing the lot or tract of land with the location, size, and description of each tank, extent and depth of diking, also layout of fill and vent pipes, together with location and size of pump, and shall be accompanied by specifications for the construction of each said tank, its connections, fittings, openings, and safety appliances. The installation, replacement, repair, removal, or abandonment of any such tank shall be made in accordance with the Fire Prevention Code of the city.

PERMIT FEES

New installation and piping - each tank	\$55.00
Replacement - each tank	55.00
Replacement or repair piping - each tank	25.00
Removal or abandonment of tanks - each trip	25.00

(Ord. 17998 §18; May 13, 2002).

19.03.190 Section 3404.2.9.5.1 Amended; Prohibition on Above-Ground Tanks.

Section 3404.2.9.5.1 of the International Fire Code is amended to read as follows:

3404.2.9.5.1 Prohibition on above-ground tanks. The storage of flammable and combustible liquids in above-ground tanks outside of buildings is prohibited without a permit. Applications for such storage may be approved by the code official if said official determines that: (a) adequate safety precautions have been taken; and (b) alternate storage options are impractical. (Ord. 17998 §19; May 13, 2002).

19.03.200 Section 3404.2.13 Amended; Abandonment of Tank Permits.

Section 3404.2.13 of the International Fire Code is amended to read as follows:

3404.2.13 Abandonment of tank permits. A permit is required to remove, abandon, place temporarily out of service, or otherwise dispose of any flammable or combustible liquid tank. See Sections 3404.2.13.1 through 3404.2.13.2.3, Section 105, and API 1604. (Ord. 17998 §20; May 13, 2002).

19.03.210 Section 3404.2.13.1.3 Amended; Underground Tanks Out of Service for One Year.

Section 3404.2.13.1.3 of the International Fire Code is amended to read as follows:

3404.2.13.2.3 Underground tanks out of service for one year. Any underground tank which has not been used for a period of one year shall be either removed from the property by the property owner and the hole properly filled or such tank may be abandoned in place and safeguarded in a manner and with materials approved by the code official. See Sections 3404.2.14 and 3404.2.13.1.4. (Ord. 17998 §21; May 13, 2002).

19.03.220 Copies Filed with City Clerk.

Not less than one copy of said "International Fire Code" referred to in Section 19.03.010, together with such amendments thereto as may be made from time to time, shall be filed for use and examination by the public in the office of the City Clerk. Three printed copies of each said publication shall be kept in the office of the Department of Building and Safety for use and examination by the public. (Ord. 17998 §22; May 13, 2002).

19.03.230 Additional Definitions.

(a) Whenever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the jurisdiction of the City of Lincoln, Nebraska.

(b) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the City Attorney for the City of Lincoln or one of his assistants or deputies. (Ord. 17998 §23; May 13, 2002).

19.03.240 Penalty.

Any person firm, or corporation who shall violate any of the provisions of this code hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed six months or both, except that each person so convicted shall be fined in a sum of not less than \$200.00 for the first offense, not less than \$250.00 for the second offense, and not less than \$300.00 for the third offense and each offense thereafter. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 17998 §24; May 13, 2002).

19.03.250 Severability.

The unconstitutionality of any part or parts of this chapter shall not affect the other parts. If for any reasons any section or part or parts of any section or sections of this chapter shall be declared unconstitutional or beyond the power of the city to enact, such facts shall not affect or impair in any way other provisions of this chapter, but such other provisions shall be in full force and effect. (Ord. 17998 §25; May 13, 2002).